

APPENDIX 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

**LAWSON SOFTWARE, INC.’S EXHIBITS AS TO WHICH THERE ARE NO
OBJECTIONS**

Pursuant to Section V(D)(6) of the Court’s Scheduling Order, Plaintiff ePlus, Inc. (“ePlus”), through counsel, hereby submits the following general and specific objections to Defendant Lawson Software, Inc. (“Lawson”)’s Trial Exhibit List:

General Objections

1. Documents excluded pursuant to the Court’s rulings on motions in limine.

Defendant’s Trial Exhibit List includes nearly 100 documents which the Court has already ordered be excluded from trial either explicitly or implicitly.

2. Documents not previously disclosed during discovery or pursuant to Court Order.

ePlus also objects generally to the introduction of any evidence which, though it may be relevant to Lawson’s defenses, was not previously disclosed during discovery, in its responses to ePlus’s interrogatories or disclosed in Defendant’s Court Ordered Second Supplemental Statement of Invalidity Defenses.

3. Relevance. ePlus objects generally to Lawson's introduction of any evidence having no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable and to the introduction of evidence wherein the probative value of that evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

4. Exhibits not disclosed. ePlus reserves its right to present additional objections to exhibits not yet disclosed to ePlus by Lawson, including, but not limited to, Lawson Trial Exhibits DX 118, DX 119, DX 151, DX 152, DX 162, DX 368, DX 369 and DX 370.

5. Duplicative Exhibits. ePlus objects generally to Lawson's practice of including the same exhibit multiple times on its Trial Exhibit List.

6. Exhibits not properly described. ePlus objects generally to all Lawson exhibits not properly described including exhibits described as "excel spreadsheet" or impermissibly grouped exhibits.

KEY TO OBJECTIONS

Reference	Basis for Objection
106	Fairness requires admission of remainder of the document
401/402	The evidence in the exhibit is not relevant and is not admissible
403	Any relevance of the exhibit is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, or considerations of unfair delay, waste or confusion of the issues, misleading the jury, or considerations of unfair delay, waste of time, or needless presentation of cumulative evidence.
801/802/805	The exhibit contains or is hearsay and no exception applies and/or the exhibit contains or is hearsay within hearsay and no exception applies.
901	The exhibit lacks authentication.
1002	Original required (Best Evidence)
1003	Poor duplicate – unfair to admit as duplicate (Best Evidence)
1006	The evidence in the exhibit includes improper summary of evidence.
Duplicate	The exhibit is duplicative of another exhibit(s)
FRCp 26	Not timely disclosed
IL	The exhibit is not legible
MD	Exhibit is inadmissible because it contains more than one document or is an improper collection of documents
MIL	Subject of motion <i>in limine</i>
NT/T	The exhibit contains text in a foreign language that is not translated to English, or the translation is inaccurate
NR	Exhibit not received—all objections are reserved

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-1		U.S. Patent No. 6,023,683 (Kinross Depo. Exh. 1)	ePLUS0207001-0207021
DX-2		U.S. Patent No. 6,055,516 (Kinross Depo. Exh. 2)	ePLUS0207022-0207042
DX-3		U.S. Patent No. 6,505,172 (Kinross Depo. Exh. 3)	ePLUS0131866-0131884
DX-4		WITHDRAWN AS DUPLICATE	
DX-5		Declaration and Power of Attorney filed on 08/10/94 from the '683 File History (Kinross Depo. Exh. 5)	L0132817-0132820
DX-6		WITHDRAWN	
DX-7		U.S. Patent No. 5,712,989 (Kinross Depo. Exh. 7)	L0260803-0260844
DX-8		WITHDRAWN AS DUPLICATE	
DX-9		WITHDRAWN AS DUPLICATE	
DX-10		SupplyLink (Kinross Depo. Exh. 10)	ePLUS0481583-0481593
DX-11		WITHDRAWN	
DX-12		WITHDRAWN	
DX-13		WITHDRAWN	
DX-14		WITHDRAWN	
DX-15		WITHDRAWN	
DX-16		WITHDRAWN	
DX-17		WITHDRAWN	
DX-18		WITHDRAWN	
DX-19		WITHDRAWN	
DX-20		WITHDRAWN	
DX-21		WITHDRAWN	
DX-22		Amended Schedule A – Topics for Depositions (Farber Depo. Exh. 13)	
DX-23		WITHDRAWN	
DX-24		WITHDRAWN AS DUPLICATE	
DX-25		WITHDRAWN	
DX-26		WITHDRAWN	
DX-27		WITHDRAWN	
DX-28		WITHDRAWN	
DX-29		WITHDRAWN	
DX-30		Procure+ 6.6 Sales Data Sheet dated 10/21/02 (Farber Depo. Exh. 21)	ePLUS0037213-0037224
DX-36		WITHDRAWN	
DX-37		WITHDRAWN	
DX-39		WITHDRAWN	
DX-40		WITHDRAWN	
DX-42		WITHDRAWN	
DX-45		Email dated 02/15/08 from Drew Burford to Paul Jarboe and Jay Raulerson regarding Lawson Meeting (Farber Depo. Exh. 36)	ePLUS0864667
DX-46		WITHDRAWN	
DX-47		WITHDRAWN	
DX-48		WITHDRAWN AS DUPLICATE	
DX-49		WITHDRAWN AS DUPLICATE	
DX-50		WITHDRAWN	
DX-51		WITHDRAWN AS DUPLICATE	
DX-52		WITHDRAWN AS DUPLICATE	
DX-53		WITHDRAWN	
DX-54		WITHDRAWN AS DUPLICATE	
DX-55		WITHDRAWN	

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-57		WITHDRAWN	
DX-58		WITHDRAWN	
DX-59		WITHDRAWN	
DX-60		WITHDRAWN AS DUPLICATE	
DX-61		Fisher RIMS Brochure	L0260595-0260606
DX-62		Fisher RIMS Trademark Application No. 74/384676 (Certified Copy)	
DX-63		WITHDRAWN	
DX-65		WITHDRAWN AS DUPLICATE	
DX-66		WITHDRAWN	
DX-67		Purchase Order User Guide Version 9.0.1 dated November 2008	L0044082-0044359
DX-68		WITHDRAWN AS DUPLICATE	
DX-69		WITHDRAWN AS DUPLICATE	
DX-70		WITHDRAWN	
DX-71	101	Empower your People with Requisition Self-Service and Procurement Punchout (Christopherson Depo. Ex. 10)	ePlus0621234-0621280
DX-72	111	Purchase Order File Layout: Release 9.0.1. (Christopherson Depo. Ex. 20)	L0043347.1 – L0043347.50
DX-76	176	Lawson Procurement Punchout Administration Guide Version 9.0 dated November 2006	L0046293-0046332
DX-77	126	P11 Requisitions Self-Service: What's New in Version 8.0.3 for April 27-28, 2004 (Dooner Depo. Exh. 4)	LE02761084-002761113
DX-78	127	Application Design Document for S3 Item Search Center; Revision 1.1 (Dooner Depo. Exh. 5)	LE00192055-00192062
DX-79	30	WITHDRAWN	
DX-80		WITHDRAWN	
DX-81		WITHDRAWN	
DX-82		WITHDRAWN	
DX-83		WITHDRAWN	
DX-84	161	SUNY Upstate Medical University Hospital: Welcome to the Lawson Web Requisition: A Guide for the Beginning Requester (Lohkamp Depo. Exh. 15)	ePLUS0241397-0241416
DX-85	102	Lawson S3 Requisitions Self-Service and Procurement Punchout Field Enablement dated 10/19/07 (Lohkamp Depo. Exh. 21)	L0135034-0135092
DX-96		J CON Manual Vol. 1	L0123414-0124584
DX-99		WITHDRAWN	
DX-100		WITHDRAWN	
DX-101		WITHDRAWN	
DX-102		Pilot and Comprehensive Electronic Sourcing Program System prepared for Fisher Scientific dated 03/16/94 (Gounaris Depo. Exh. 7)	ePLUS0214268-0214289
DX-103		WITHDRAWN	
DX-105		IBM Technical Viewer/2 General Information Manual (Gounaris Depo. Exh. 10)	G000002-000011
DX-106		WITHDRAWN AS DUPLICATE	
DX-107		IBM Technical Viewer/2 (Gounaris Depo. Exh. 11)	G000030-000033
DX-108		WITHDRAWN	
DX-109		WITHDRAWN	

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-110		WITHDRAWN AS DUPLICATE	
DX-113		WITHDRAWN AS DUPLICATE	
DX-114		WITHDRAWN AS DUPLICATE	
DX-115		WITHDRAWN	
DX-116		WITHDRAWN	
DX-117		Guided Tour - Version 10.1 (McEneny Depo. Exh. 2)	L0126514-0126701
DX-118		WITHDRAWN	
DX-119		WITHDRAWN	
DX-120		WITHDRAWN AS DUPLICATE	
DX-126		Inventory Control Version 10.0: Office Copy (McEneny Depo. Exh. 98)	L0126147-0126395
DX-127		WITHDRAWN	
DX-128		WITHDRAWN	
DX-129		Data Interface Utility Version 10.0 (McEneny Depo. Exh. 101)	L0126423-0126481
DX-130		EDI Interface User's Guide (McEneny Depo. Exh. 102)	L0126482-0126500
DX-131		WITHDRAWN	
DX-132		WITHDRAWN	
DX-133		P.O. Writer requisition interface menu (McEneny Depo. Exh. 107)	L0126965-0126980
DX-134		WITHDRAWN	
DX-135		WITHDRAWN	
DX-137		WITHDRAWN	
DX-138		WITHDRAWN	
DX-140		Purchase Requisitioning System Administrator's Guide Version 10.0 (McEneny Depo. Exh. 114)	L0127256-0127296
DX-141		Requisitioning Module Version 10.0 Office Copy (McEneny Depo. Exh. 115)	L0127505-0127601
DX-143		Requisitions User Guide Version 9.0.1 dated November 2008 (Christopherson Depo. Exh. 6)	L0061098-0061299
DX-144		WITHDRAWN	
DX-145		WITHDRAWN	
DX-146		WITHDRAWN	
DX-147		WITHDRAWN	
DX-148		WITHDRAWN	
DX-149		WITHDRAWN	
DX-150		WITHDRAWN	
DX-151		WITHDRAWN	
DX-152		WITHDRAWN	
DX-153		WITHDRAWN	
DX-154		WITHDRAWN	
DX-155		WITHDRAWN	
DX-156		WITHDRAWN	
DX-157		WITHDRAWN	
DX-158		WITHDRAWN	
DX-159		WITHDRAWN	
DX-160		WITHDRAWN	
DX-161		WITHDRAWN	
DX-162		WITHDRAWN	
DX-163		WITHDRAWN	
DX-164		WITHDRAWN	
DX-165		WITHDRAWN	
DX-166		WITHDRAWN	
DX-167		WITHDRAWN	
DX-168		CUE Files	L0345001

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-169		WITHDRAWN	
DX-170		WITHDRAWN	
DX-174		WITHDRAWN	
DX-176		Inventory Control User Guide Version 9.0 dated May 2007	L0031954-0032248
DX-177		Procurement Management Technical Guide Version 8.0.3 dated October 2003	L0042441-0042670
DX-178		Requisitions User Guide Version 9.0 dated November 2006	L0044870-0045068
DX-179		WITHDRAWN	
DX-180		Lawson Supply Chain Management Conversion Guide Version 9.0.1 dated April 2009	L0327408-0327569
DX-182		CD of videotaped recording of data made during deposition on 03/02/10 (Cimino Depo Exh. 11)	
DX-183		WITHDRAWN	
DX-184		CD of Demonstration made during deposition of Manuel D. Matias (Robert Wood Johnson) dated 03/10/10	
DX-185		WITHDRAWN	
DX-187		Lawson Software Americas, Inc. Statement of Work for Robert Wood Johnson University Hospital (Irwin Depo. Exh. 6)	RWJ000086-000124
DX-188		Lawson Self Service RSS Training Guide Lawson Software regarding Robert Wood Johnson University Hospital dated 07/27/09 (Irwin Depo. Exh. 7)	RWJ003998-004020
DX-189		Lawson Implementation Buyer Training Guide regarding Robert Wood Johnson University (Irwin Depo. Exh. 8)	RWJ003860-003912
DX-194		WITHDRAWN	
DX-196		Response to Request for Proposal Blount Memorial Hospital dated 01/25/07 (Blount Depo. Exh. 3)	L0083359-0083446
DX-197		Lawson Software Statement of Work for Blount Memorial Hospital (Blount Depo Exh. 4)	B003802-003837
DX-198		E-mail communication from Katrina Rice to Kristy Oliver regarding Item Master Upload Template with attachment dated 12/04/08 (Blount Depo. Exh. 11)	B00817-00827
DX-199		Email from Katrina Rice to Kristy Oliver enclosing presentation "RSS Requisitions" dated 09/09/08 (Blount Depo. Ex. 13)	B003039-003071
DX-200		CD containing videotaped demonstration by Kristy Oliver during deposition dated 03/11/10	
DX-201		WITHDRAWN	
DX-202		Requisition Self Service: RSS 9 Training Manual dated 11/09 (Novant Depo. Exh. 6)	NOV0838-0869
DX-203		Customer Service Information presentation (Novant Depo. Exh. 7)	NOV0870-0904
DX-204		Lawson/SciQuest Procure-to-Pay (P2P Solution Overview for Novant Health (Novant Depo. Exh. 8)	LE00509459-00509464
DX-205		Email communications between Mary Segreti (Lawson) and Pat Burton (Novant) with Request For Proposal dated 03/20/09 (Novant Depo. Exh. 9)	NOV0394-0443

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-206		Email from Pat Burton (Novant) to Distribution regarding Novant responses to RFP questions dated 03/17/09 (Novant Depo. Exh. 10)	ePLUS0911571-0911582
DX-207		Novant Health P2P Project dated 01/16/09 (Novant Depo. Exh. 11)	LE00504119-0504121
DX-208		ProcessFlow 9.0.0.x Source Code	L0344999
DX-209		Novant Screenshots captured during 02/19/10 Novant 30b6 deposition (Novant Depo. Exh. 15)	
DX-210		WITHDRAWN AS DUPLICATE	
DX-211		Fisher Scientific International 1994 Annual Report; dated 1994 (O'Loughlin Depo. Exh. 41)	L0343632-0343667
DX-212		Fisher Scientific International Form 10-K for 1992 (O'Loughlin Depo. Exh. 42)	L0343548-0343586
DX-213		Fisher Scientific International Form 10-K for 1993 (O'Loughlin Depo. Exh. 43)	L0343587-0343631
DX-214		WITHDRAWN	
DX-215		7.2.2.4 to 8.0.3. Application and Environment Upgrade iSeries Information Document and Budgetary Estimate dated 03/2005 (Raleigh Depo. Exh. 15)	LE02782644-02782669
DX-216		Lawson Requisitions Self-Service User Guide Version 9.0.1 dated May 2009	L0045474-0045553
DX-217		Purchase Order User Guide Version 9.0.1 dated November 2008	L0052019-0052296
DX-218		Inventory Control User Guide Version 9.0.1 dated November 2008	L0032249-0032549
DX-219		WITHDRAWN	
DX-220		WITHDRAWN	
DX-221		WITHDRAWN	
DX-222		WITHDRAWN	
DX-223		WITHDRAWN	
DX-224		WITHDRAWN	
DX-225		WITHDRAWN	
DX-226		WITHDRAWN	
DX-227		WITHDRAWN	
DX-228		WITHDRAWN	
DX-229		WITHDRAWN	
DX-230		IBM Technical Viewer/2 General Information Manual	G0000012-29
DX-231		WITHDRAWN	
DX-232		File History of U.S. Patent No. 6,055,516 (Certified Copy)	L0132511-0132698
DX-233		File History of U.S. Patent No. 6,023,683 (Certified Copy)	L0132699-0132936
DX-234		WITHDRAWN	
DX-235		WITHDRAWN AS DUPLICATE	
DX-236		WITHDRAWN	
DX-244		U.S. Patent No. 4,992,940: Dworkin (Certified Copy)	L0260625-0260640
DX-245		U.S. Patent No. 5,319,542: King (Certified Copy)	ePLUS0130297-0130307
DX-248		WITHDRAWN	
DX-251		9.0.1 MSP2 Source Code	L0135741
DX-252		8.0.3 Source Code	L0135744
DX-253		9.0.1 Source Code	L0290559
DX-254		9.0.0 Source Code	L0135742
DX-255		8.1.0 Source Code	L0135745

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-256		WITHDRAWN	
DX-257		WITHDRAWN	
DX-258		WITHDRAWN	
DX-259		WITHDRAWN	
DX-260		WITHDRAWN	
DX-261		WITHDRAWN	
DX-262		WITHDRAWN	
DX-263		WITHDRAWN	
DX-264		WITHDRAWN AS DUPLICATE	
DX-265		WITHDRAWN AS DUPLICATE	
DX-266		WITHDRAWN	
DX-267		WITHDRAWN	
DX-268		WITHDRAWN	
DX-269		WITHDRAWN	
DX-270		WITHDRAWN	
DX-271		WITHDRAWN	
DX-272		WITHDRAWN	
DX-273		WITHDRAWN AS DUPLICATE	
DX-274		WITHDRAWN	
DX-275		WITHDRAWN AS DUPLICATE	
DX-278		WITHDRAWN	
DX-279		WITHDRAWN	
DX-280		WITHDRAWN	
DX-281		WITHDRAWN	
DX-282		WITHDRAWN	
DX-283		WITHDRAWN	
DX-284		WITHDRAWN	
DX-285		WITHDRAWN	
DX-286		WITHDRAWN	
DX-287		WITHDRAWN	
DX-288		WITHDRAWN	
DX-289		WITHDRAWN	
DX-290		WITHDRAWN	
DX-292		Excel Spreadsheet for ePlus Systems and Content Services (Magnum Depo. Exh. 134)	ePlus0949075
DX-293		WITHDRAWN	
DX-294		WITHDRAWN	
DX-295		WITHDRAWN	
DX-296		WITHDRAWN	
DX-297		WITHDRAWN	
DX-298		WITHDRAWN	
DX-299		WITHDRAWN	
DX-300		WITHDRAWN	
DX-301		WITHDRAWN	
DX-302		WITHDRAWN	
DX-303		WITHDRAWN	
DX-304		WITHDRAWN	
DX-305		WITHDRAWN	
DX-306		WITHDRAWN	
DX-312		WITHDRAWN	
DX-313		WITHDRAWN	
DX-314		WITHDRAWN	
DX-315		WITHDRAWN	
DX-316		WITHDRAWN	
DX-317		WITHDRAWN	
DX-318		WITHDRAWN	
DX-319		WITHDRAWN	

Def. No.	Plt. No.	Description of Exhibit	Bates Number
DX-320		WITHDRAWN	
DX-321		Lawson Turnover Document – Release 9	LE01336793-851
DX-322		WITHDRAWN	
DX-323		WITHDRAWN	
DX-324		WITHDRAWN	
DX-325		WITHDRAWN	
DX-326		WITHDRAWN	
DX-328		WITHDRAWN	
DX-329		WITHDRAWN	
DX-330		WITHDRAWN	
DX-332		WITHDRAWN	
DX-335		Lawson Laptop Demonstration System S3 Version 9.0	L0067337
DX-336		WITHDRAWN	
DX-337		WITHDRAWN	
DX-338		ePlus Data (.csv file)	ePLUS0949077
DX-339		WITHDRAWN	
DX-340		WITHDRAWN	
DX-341		WITHDRAWN	
DX-342		WITHDRAWN	
DX-343		WITHDRAWN	
DX-344		WITHDRAWN	
DX-345		WITHDRAWN	
DX-346		WITHDRAWN	
DX-347		WITHDRAWN	
DX-348		Application Design Documents for S3 Item Search Center (Weaver Depo. Exh. 10)	LE00192055-00192062
DX-349		WITHDRAWN	
DX-351		WITHDRAWN	
DX-352		WITHDRAWN	
DX-353		WITHDRAWN	
DX-354		WITHDRAWN	
DX-355		WITHDRAWN	
DX-356		WITHDRAWN	
DX-357		WITHDRAWN	
DX-358		WITHDRAWN	
DX-359		WITHDRAWN	
DX-360		WITHDRAWN	
DX-361		WITHDRAWN	
DX-362		Lawson EDI for Supply Chain Management Installation Guide Version 9.0.1.x dated November 2008	LE03273818-03273832
DX-363		WITHDRAWN	
DX-364		WITHDRAWN	
DX-365		WITHDRAWN	
DX-366		WITHDRAWN	
DX-367		WITHDRAWN	
DX-368		WITHDRAWN	
DX-369		WITHDRAWN	